

REMARKS/ARGUMENTS

I. General Remarks and Disposition of the Claims.

The application has been reviewed in light of the Non-Final Office Action mailed April 26, 2006 (the "Third Office Action"). At the time of the Third Office Action, claims 1-34 were pending in this application. Claims 1, 2, 17, and 18 stand rejected in view of prior art. Claims 3-16 and 19-34 are objected to as being dependent upon a rejected base claim. For the reasons discussed below, Applicants believe that all of the remaining claims are patentable over the cited prior art, and therefore respectfully traverse the Examiner's rejections.

II. Remarks Regarding Rejections Under 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,049,057 issued to Hewes (hereinafter "*Hewes*"). With respect to this rejection the Examiner stated:

The claimed structure reads exactly on the reference's structure when members (42), (54), and (46) of *Hewes* are respectively considered as "housing", "end connections" and "reclosable pressure relief valve" as recited.

(Third Office Action at 2.) Applicants respectfully disagree because *Hewes* does not disclose, expressly or inherently, every element recited in the subject claims as required to anticipate the claims under 35 U.S.C. § 102(b). MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (2004) (hereinafter "MPEP"). In particular, independent claim 1 recites:

An apparatus for relieving trapped annular fluid pressure between a plurality of nested casing strings, comprising:

a housing having an outer surface and a hollow inner cavity and adapted for installation between adjacent nested casing strings;

a set of end connections disposed on opposite ends of the housing, which are adapted to join adjacent sections of one of the plurality of nested casing strings;

at least one reclosable pressure relief valve disposed in the housing, which opens in response to a predetermined annular fluid pressure enabling fluid to pass from an outer annulus between adjacent nested casing strings disposed outside the housing to an annulus between different adjacent nested casing strings disposed inside the hollow inner cavity.

(emphasis added). Nowhere does *Hewes* disclose or suggest this recitation. Rather than disclosing an apparatus for relieving annular fluid pressure between casing strings, *Hewes* is directed to a valve unit located within an eduction tube (*Hewes*, Abstract). Although *Hewes* discloses a “housing”, “end connections” and “reclosable pressure relief valve,” these elements are disposed within the eduction tube (*Hewes*, 3:49-54); these elements are not disposed within the casing strings as described in the present invention. Furthermore, the present invention is directed to an apparatus for venting casing pressure buildup in the annuli between concentric well casings (Specification, ¶ [0009]; claim 1), whereas *Hewes* is directed to the use of pressure relief valves in an eduction tube for removal of paraffin from oil wells (*Hewes*, 1:18-20). Accordingly, *Hewes* does not disclose or suggest an apparatus located between a plurality of nested casing strings, and thus does not disclose or suggest every element of independent claim 1.

Therefore, independent claim 1 is not anticipated by *Hewes* and is allowable for at least the reasons cited above. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claim 1.

III. Remarks Regarding Rejections Under 35 U.S.C. § 103(a)

Claims 2, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hewes* in view of U.S. Patent No. 3,292,708 issued to Mundt (hereinafter “*Mundt*”) or U.S. Patent Publication No. 2003/0164236 issued to Thornton (hereinafter “*Thornton*”). With respect to this rejection the Examiner stated:

Hewes ‘057 discloses the invention as claimed except for blade(s) on the external surface of the housing. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the housing or tubing Hewes such blades as claimed because either Mundt or Thornton teaches providing a downhole tubular with a centralizer including such blades in order to maintain the tubular centered, stabilized or protected (see figures 1 and 2 in Mundt and figures 15a and 15b in Thornton).

(Third Office Action at 3.) Applicants respectfully traverse because the Examiner has not established a *prima facie* case of obviousness, in that the cited references do not teach or suggest each and every claim limitation. See MPEP § 2142.

As described previously in Section II, *Hewes* does not teach each and every claim limitation. Rather than disclosing a apparatus between casing strings for relieving annular fluid pressure, *Hewes* is directed to a valve unit in an eduction tube for paraffin removal. Thus, *Hewes* fails to supply the recitation of an apparatus located in between casing strings. Additionally, *Mundt* and *Thornton* also fail to supply this missing recitation. Accordingly, the combination of *Hewes* in view of *Mundt* or *Thornton* fails to teach or suggest each and every limitation of claim 1. Accordingly, the cited references cannot form a proper basis for a *prima facie* case of obviousness.

Therefore, independent claim 1 is not obviated by *Hewes* in view of *Mundt* or *Thornton*. The rejected claims depend either directly or indirectly on independent claim 1. All of these dependent claims, which include all the limitations of their corresponding independent claim, are allowable for at least the reasons cited above with respect to independent claim 1. As such, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection as to dependent claims 2, 17, and 18, which depend from independent claim 1.

IV. Remarks Regarding Allowable Subject Matter

The Examiner has objected to claims 3-16 and 19-34 although he stated that these claims “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” (Final Office Action at 3.) Applicants gratefully acknowledge the Examiner’s indication that these claims would be allowable if rewritten in independent form. However, as Applicants have traversed the Examiner’s rejection of the base claim 1, Applicants respectfully assert that claims 3-16 and 19-34 are allowable in their original form.

V. No Waiver

All of Applicants’ arguments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the *Hewes* reference. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner’s additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the

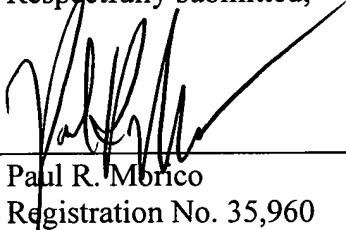
art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation and obviousness rejections.

SUMMARY

In light of the above remarks and amendments, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due in association with the filing of this response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be debited from Baker Botts L.L.P., Deposit Account No. 02-0383, Order Number 063718.0427 for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



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